

DISTRICT OF WELLS

BYLAW NO. 93, 2008

A BYLAW TO REGULATE NOISE WITHIN THE DISTRICT OF WELLS

WHEREAS the Council of the District of Wells deems it necessary to provide for the protection and enhancement of the well-being of the community in relation to noise within the District of Wells;

AND WHEREAS the Municipal Council may by bylaw regulate, prohibit and impose requirements in relation to noise that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

NOW THEREFORE, the Council of the District of Wells, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “District of Wells Noise Control Bylaw, No. 93, 2008.”
2. DEFINITIONS
 - a. Words defined in the “Motor Vehicle Act” as amended from time to time, the “Community Charter” as amended from time to time and the “Local Government Act” as amended from time to time, shall have the same meaning when used in this bylaw unless defined in this bylaw or unless the context otherwise requires.
 - b. In this bylaw, unless the context otherwise requires:
 - i “Bylaw Enforcement Officer” means any officer or full-time employee of the *District* or any *Police Officer*.
 - ii “Council” means the Council of the District of Wells.
 - iii “District” means the District of Wells.
 - iv “Person” includes any individual, company, corporation, owner, partnership, firm, association, society or party.
 - v “Police Officer” means any member of the Royal Canadian Mounted Police.
 - vi “Property” means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.
 - vii “Superintendent of Public Works” means the person appointed from time to time by the District of Wells as the Superintendent of Public Works.

3. GENERAL REGULATIONS

- a. Except as exempted in Part 6 of this bylaw no person shall on any day before 07:00 hours or after 22:00 hours, make or cause, or permit to be made or caused, any noise in or on a public or private place that disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- b. No person being the owner, tenant or occupier of real property shall on any day before 07:00 hours or after 22:00 hours, allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- c. No person shall on any day, play or operate any radio, stereo-phonics equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- d. No person shall own, keep or harbour any animal or bird which by its barking, cries or other noises or sounds disturbs or tends to disturb the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.

4. CONSTRUCTION HOURS

- a. No person in the District shall on any day before 07:00 hours or after 22:00 hours, construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b. Where it is impossible or impractical to comply with this section, the Superintendent of Public Works may give written approval to carry on the work that is found to be necessary.
- c. Responsibility for obtaining written approval lies with the person carrying on the work.

5. OTHER

- a. Notwithstanding any provisions of this bylaw, a person may perform work of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

- b. If any article or provision herein is determined to be void or unenforceable in whole or in part, it shall not be deemed to affect or impair the enforceability or validity of any other article or provision of this bylaw or any part thereof.

6. EXEMPTIONS

The provisions of this bylaw shall not apply to or be enforced against:

- a. any Police, Fire Department or Ambulance Service vehicle or personnel responding to or attending an emergency call;
- b. any police officer or employee of the District of Wells in the discharge of his/her duty;
- c. any public, utility or contracted vehicles, equipment or personnel engaged in emergency repairs to public roads or utilities including storm cleanup and snow clearing;
- d. the playing of music at a public function in a hall or public place on a property with a zoning designation under District of Wells Zoning Bylaw #26 of **CW** or **P** between the hours of 10 P.M. and 1:30 A.M.;
- e. any public function or gathering for recreational or entertainment purposes not covered in 6.(d), provided that written approval thereof has been obtained from the Council of the District of Wells.

7. ENFORCEMENT

Every Bylaw Enforcement Officer is authorized to enforce this bylaw.

8. PENALTY SECTION

- a. Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.
- b. Every person who commits an offence under this bylaw is liable, on summary conviction, to a penalty not less than the amount set out in Schedule "A" of this bylaw, but not exceeding a maximum of two thousand dollars (\$2,000) plus the costs of prosecution; and in default of payment thereof, forthwith or within such time as the presiding shall direct, the fine

imposed shall be recoverable under the provisions of the *Offence Act* and all amendments thereto.

9. District of Wells Noise Control Bylaw No. 27, 2003, cited as “District of Wells Noise Control By-Law, No. 27, 2003,” and all amendments thereto, is hereby repealed.
10. Cariboo Regional District Noise Regulation and Prohibition Bylaw No. 32111996 and all amendments thereto is hereby repealed.
11. This bylaw shall take effect upon the date of its adoption.
12. SEVERABILITY

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

READ A FIRST TIME this 3rd day of June, 2008.

READ A SECOND TIME this 3rd day of June, 2008.

READ A THIRD TIME this 3rd day of June, 2008.

FINALLY ADOPTED this 17th day of June, 2008.

Mayor John P.S. Vermette

Gary Champagne, Chief Administrative Officer

SCHEDULE A

District of Wells Noise Control Bylaw No. 93, 2008

MINIMUM PENALTIES

The minimum penalties provided under this bylaw are outlined in the following:

Offence	Section No.	Fine
Person making noise before 07:00 hours or after 22:00 hours	3(a)	\$100.00
Owner, tenant or occupier of real property allowing property to be used in a noisy manner before 07:00 hours or after 22:00 hours	3(b)	\$100.00
Amplified Noise causing disturbance	3(c)	\$100.00
Animal or Bird Noise causing disturbance	3(d)	\$100.00
Construction Noise causing disturbance	4(a)	\$100.00